

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Robert Austin o/b/o)	
Jamie J. Austin, deceased,)	
)	
Plaintiff,)	C.A. No. 6:06-2785-HMH
)	
vs.)	OPINION & ORDER
)	
Michael J. Astrue, Commissioner of)	
Social Security,)	
)	
Defendant.)	

This matter is before the court on a motion for attorney’s fees and costs pursuant to the Equal Access to Justice Act (“EAJA”). See 28 U.S.C. § 2412(a), (d) (2006). The Plaintiff seeks attorney’s fees for services rendered in the above-captioned Social Security action in the amount of Three Thousand Eight Hundred Eighty-three Dollars (\$3,883.00) (calculated at \$165.00 per hour times 6.6 attorney hours and \$80.00 per hour times 34.3 paralegal hours) and costs and expenses of Three Hundred Sixty-three Dollars and Ninety-five Cents (\$363.95).¹ The Commissioner does not object to the request for attorney’s fees and costs.

¹The Commissioner agreed to the payment of attorney’s fees in the amount of \$3,829 in his response. In addition, the Commissioner indicated that these calculations were based on the parties’ agreed upon hourly rate of \$165 for attorney hours and \$80 for paralegal hours. The Commissioner indicated that the \$3,829 figure was calculated based on 7 attorney hours and 38.3 paralegal hours. However, based on these figures, the attorney’s fee award would be \$4,219. A review of the time sheets of Plaintiff’s attorney reveals that he expended 6.6 hours and his paralegal expended 34.3 hours. Therefore, the court finds that the attorney’s fee requested is \$3,883.00.

Therefore, it is

ORDERED that the Plaintiff is awarded a fee in the amount of Three Thousand Eight Hundred Eighty-three Dollars (\$3,883.00) and costs and expenses of Three Hundred Sixty-three Dollars and Ninety-five Cents (\$363.95).

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
January 22, 2008